19 49.

File No. Requisitioning II/49 (N)

LEGAL **DEPARTMENT**

'B' **BRANCH**

Subject:—

Notifications under the Bombay Land Requisitioning Act, 1948

E
P-33
1949

File No. Requisitioning II/49 (N)

Std. Sectt. Slip 24 B

230-B

'K'

Legal Department.

Section 8(3) of the Bombay Land Requisition Act, 1948, refers to the power of the Provincial Government ~~xx~~ to make rules under section 19. It is clear that it is not intended that the said powers should be delegated to Collectors. The revised draft notification therefore refers to powers under section 8(1) only.

Id/- J.R.D. 9/2
Additional Secretary to Government.

U.R. to H. & L. G. D., No.1584, dated the 10th February ~~xx~~ 1949.

KAN/4-6.
4 c.

7/4/50
8/4/50

ORDER.

Health and Local Government Department,

Bombay Castle, February 1949.

Bombay Land Requisition Act, 1948.

No. O. 1694/11287/N.— In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Bombay is pleased to direct that in all the districts of the Province of Bombay the powers conferred and the duties imposed upon the Provincial Government by sub-section (1) of section 8 of the said Act, shall also be exercised or discharged by the Collectors of the said districts within the limits of their respective jurisdictions.

By order of the Governor of Bombay,

Deputy Secretary to Government.

KAN/4-6.
4 c.

Office of the R.L.A.

From the Collector of Bombay's letter at p.19 it appears that the flat No.15 of Hem Prabha now occupied by Mr. Dahyabhai V.Patel has been requisitioned by the Collector of Bombay under an Order issued under rule 75A of the Defence of India Rules and the said requisition has been continued under section 3 of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947). It appears that flat No.18 of the same building has been occupied by Dr. Ram Prasad as a regular tenant of the land lord. Mr. Dahyabhai V. Patel and Dr. Ram Prasad now desire to exchange the flats. The land-lord of the building has consented to such exchange. It is now proposed by the Controller of Accommodation to issue an order under section 6(4)(b) of the Bombay Land Requisition Act, 1948 (Bom.XXXIII of 1948), directing that the landlord shall let the said flat No. 18 to Mr. Dahyabhai V. Patel after it is vacated by Dr. Ram Prasad.

2. Flat No.15 is still continued under requisition by virtue of section 3 of the Requisitioned Land (Continuance of Powers) Act, 1947, and Dr. Ram Prasad can be allotted that flat after it is vacated by Mr. Dahyabhai V. Patel only in exercise of the powers given under that Act. The proper course, therefore, would be to cancel the allotment of flat No.15 in favour of Mr. Dahyabhai V. Patel and allot it to Dr. Ram Prasad, which incidentally can be treated as an allotment made to a Government officer for which purpose the flat was originally requisitioned. In view of the revised policy of Government regarding the administration of the Bombay Land Requisition Act, 1948, an order under section 6(4) need not be made by Government in favour of Mr. Dahyabhai V. Patel in respect of Flat No.18, but permission may be given to the landlord under section 6(3) of the Act to let that flat to Mr. Patel after it is vacated by Dr. Ram Prasad.

Id/- P.M.L. 28/1
Remembrancer of Legal Affairs.

U.R. to the Controller of Accomodation No. ~~1144~~ 1114 dated 29th January 1949.

KAN/4-6.
4 c.

IMMEDIATE. Legal Department.

The draft Order at page 155 as verbally amended is in order.

Id/- J.R.D. 19/3

Additional Secretary to Government.

U.R. to R.D., No.3082, dated the 19th March 1919.

BKAN/4-6.
4 C.

O R D E R.

In exercise of the powers conferred by sub-section (1) of section 7 of the Bombay Land Requisition Act, 1948 (Bom.XXXIII of 1948) read with Government Notification in the Revenue Department No. * dated the 19 , the Collector of hereby directs that the land/premises spefified below which was/were continued under requisition under the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), shall continue to be subject to requisition under the former Act with effect from the 1st April 1949.

to be filled in.

Land.
Survey No.....

Premises
Flat/Room No. on the floor of the building known as situated at

Collector of

Date.....
Place.....

KAN/4-6.
4 c.

Legal Department.

The view taken by the District Magistrate, BanasKantha, is correct.

2. The Health and Local Government Department, Notifications Nos. 0/1694/10276-N and 0/1694/10276-N(a), dated the 8th November 1948, are not in order in so far as they relate to "Banas Kantha" "Mahi Kantha" and "Sangli". All the aforesaid three areas comprise wholly or in part of territories of Indian States, the jurisdiction over which has been delegated to the Government of Bombay under section 4 of the Extra-Provincial Jurisdiction Act, 1947, In virtue of this delegation, the Government of Bombay has made an order called the Indian States (Application of laws) Order, 1948, under which only the Acts specified in Schedule II to the Order have been extended to the Indian States. The Bombay Land Requisition Act, 1948, has not, however, been extended to any of the Indian States specified in the Order. Unless the Bombay Land Requisition Act has been so extended to the Indian States including Danta State no valid notification under section 2 of the said Act can be issued by the Provincial Government in respect of any Indian State including the Danta State. The Health and Local Government Department should, therefore, in consultation with the Political and Services Department, first take Orders of Government to extend the Bombay Land Requisition Act, 1948, to the Indian States, and then should issue notifications in respect of the State areas under section 2(2 of the said Act. While issuing fresh notifications the names of the districts in which the Act is intended to be brought into force should be shown in full so as to remove the doubt now raised by the Collector of Broach whether the area "Broach" refers to "the Broach town" or to "the Broach District".

Id/- J.R.D. 13/4

Additional Secretary to Government.

U.R. to H. & L. G.D., No.4027, dated the 13th April 1949.

KAN/4-6.
4-c.

Legal Department.

The view taken in the Revenue Department office note is not correct. It appears that Revenue Department has not correctly followed R.L.A's opinion No. 1735, dated the 14th February 1949. It is true that under section 15 of the Bombay Land Requisition Act, 1948, the powers conferred and duties imposed on the Provincial Government cannot be delegated to an officer below the rank of a Collector. Accordingly such powers and functions have been delegated to the Collector of Bijapur by Government Notification, Health and Local Government Department, No. O 841/4503-N, dated the 9th June 1948. That notification also includes section 6. Section 6 of the Act itself provides that the land-lord of such premises shall give intimation thereof to an Officer authorised in this behalf by the Provincial Government. In view of this provision it would be competent for the Collector of Bijapur who, in virtue of the delegation under section 15, takes the place of the Provincial Government, to authorise the Huzur Deputy Collector to receive intimations under said sub-section (1). The R.L.A. held the similar notification issued by the Collector of Belgaum under his notification No.L.N.D.-1719, dated the 28th October 1948, to be ultra vires and illegal not because it authorised the Huzur Deputy Collector, Belgaum, for the purposes of sub-section (1) of section 6 of the Act but because it referred to the wrong delegation notification.

2. A revised draft Notification is sent herewith.

Id/- J.R.D. 23/4

Additional Secretary to Government

U.R. to R.D., No.4520, dated the 26th April 1949.

KAN/4-6.
1 c.

No. _____. In exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), read with Government Notification in the Health and Local Government Department No. 0.841/4503.N, dated the 9th June 1948, the Collector of Bijapur is pleased -

(i) to specify the area within the limits of Bijapur town as the area; and

(ii) to authorise the Huzur Deputy Collector, Bijapur,

for the purposes of the said sub-section (1).

Collector of Bijapur.

Bijapur :-

Date :-

KAN/4-6.
4 c.

In exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948) read with Government Notification in the Health and Local Government Department, No.5931/33-H, dated the 6th December 1947, the Collector of Sholapur is pleased to cancel his notifications No. REQ/WS/II-546, dated the 23rd September 1948 in respect of Pandharpur and Barsi Towns respectively.

Collector of Sholapur.

Sholapur,

1949.

KAN/4-6.
4 c.

Legal Department.

The proposal is to cancel both the notifica..... No.REQ/WS/II-546, dated the 23rd September 1948, issued by the Collector of Sholapur under section 6(1) of the Bombay Land Requisition Act, 1948 (Bom.XXXIII of 1948), specifying the area of Pandharpur Town and Barsi Town for the purposes of the said section 6. The said notifications were issued by the Collector in virtue of the powers delegated to him by Government Notification, H. & L.G.D., No.5931/33, dated the 6th December 1947. The Collector is therefore competent by virtue of the said delegation read with section 21 of the Bombay General Clauses Act, 1904, to cancel the notifications issued by him. A revised draft notification is sent for the purpose.

Id/- J.R.D. 4/5

Additional Secretary to Government.

U.R. to R.D.(Accommodation), No. 4935, dated the 5th May 1949.

KAN/4-6.
4 c.

Legal Department.

The point raised for the consideration of the R.L.A. is not quite clear.

2. It appears that certain requisitioned lands in I.M.H. Dharavi, 4 B.S.D. Sion-Matunga and B.R.D. Worli, phases I and II, are at present continued under requisition under the Requisitioned Land (Continuance of Powers) Act, 1947 for the use of the Defence Department of the Central Government. The hutments constructed thereon by the Defence Department appear to have been sold to the Bombay Government and the Central Government desires that the title to the said lands should be acquired by the Bombay Government within 120 days of the confirmation of the sale. The proposal now is to derequisition all the property under the Requisitioned Land (Continuance of Powers) Act, 1947 on behalf of the Central Government and to make them subject to requisition under section 7(1) of the Bombay Land Requisition Act, 1948. The effect of such order under sub-section (1) of section 7 of this Act is that the Provincial Government may use or deal with the lands so continued to be subject to requisition in such manner as may appear to it to be expedient and under sub-section (2) of section 7 thereof the compensation will be payable thereafter by the Provincial Government. The order at page 11 will serve the purpose provided the purpose is as stated above.

3. The order at page 11 ante, as formally amended, is in order.

4. It is not necessary to make a direction in the order as proposed at page 9 ante as to the allotment of lands to any Department of the Government of Bombay as sub-section (1) of section 7 itself provides that the Provincial Government may use or deal with the requisitioned land in such manner as may appear to it to be

P.T.O.

expedient.

5. The order should be served in the manner provided in section 13 of the Bombay Land Requisition Act, 1948.

Id/- J.R.D. 13/5

Additional Secretary to Government.

U.R. to R.D. (Accommodation), No.5320, dated the 13 th May 1949.

KAN/4-6.
4 c.

Legal Department.

The draft at page 11 ante, as amended, is in order.

Id/- J.R.D. 15/6

Additional Secretary to Government.

U.R. to R.D.(Accommodation) No.6646 dated the 16th June '49.

KAN/4-6.
4 c.

Revenue Department,

Bombay Castle, June 1949.

Bombay Land Requisition Act, 1948. ...

No. .- In exercise of the powers conferred by sub-section (1) of section 8 and sub-section (2) of section 9, the Bombay Land Requisition Act 1948 (Bom.XXXIII of 1948), the Government of Bombay is pleased to authorise Mr. B.V.Trivedi, Compensation Officer, to determine compensation under the said sections within the limits of the City of Bombay and of the Municipalities of Bandra, Juhu, Parle - Andheri, Kurla and Ghatkopar - Kirol and the Village Panchayat of Chembur.

By order of the Governor of Bombay,

Secretary to Government.

KAN/4-6.
1 c.

O R D E R.

Revenue Department,

Bombay Castle, 1949.

Bombay Land Requisition Act, 1948.

No.Misc.10502/Pw In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bom.XXXIIIx of 1948), the Government of Bombay is pleased to direct that the powers conferred and the duties imposed upon the Provincial Government by clause (b) of sub-section (2) of section 9 of the said Act, shall also be exercised or discharged by the Collectors of the districts within the limits of their respective jurisdictions.

By order of the Governor of Bombay,

Secretary to Government.

KAN/4-6.
4 c.

Legal Department.

The draft notification at page 47 ante, as slightly amended, is in order.

Id/- J.R.D. 22/6

Additional Secretary to Government.

U.R. to R.D. (Accom.)No.6718, dated the 23rd June 1949.

KAN/4-6.
4 6.

Legal Department.

A draft form on general lines applicable to every person to whom it is intended to summon is sent herewith.

Sd/- J.R.D. 15/7

Additional Secretary to Government.

U.R. to R.D.(Accommodation), No.3036, dated the 16th July 1949.

KAN/4-6.
4 c.

In the office of the Compensation Officer,
City of Bombay & Bombay Suburban District,
Summons to attend and give Evidence.
Compensation Application No. of 1954.

Landlord.

Allottee.

Witness.

To

You are hereby summoned to appear in person in the Office of the Controller of Accommodation, in Hutments, Near Law College, Churchgate Railway Station, on the day of 1949, at 11 o'clock in the forenoon and thereafter as directed by the Compensation Officer, to give evidence in the above mentioned application (and to produce .....
.....) and you are not to depart thence until you have been examined (or have produced the said document) unless you have obtained the leave of the Compensation Officer.

Given under my hand this day of 1949.

Compensation Officer,
City of Bombay & Bombay Suburband District.

KAN/4-6.
4 c.

In the Office of the Compensation Officer,

City of Bombay & Bombay Suburbans District.

Application No. 1949.

Landlord:-

Allottee:-

Witness:-

Requisition Order No. Dated.

Proceedings.

Date of Hearing.

Present: Landlord:

Allottee:

Witness :

Authorised representative, if any.

Summary of Evidence.

Office of the R.L.A.

Bombay Land Requisition Act, 1948, whether a notification issued under section 4 of the Ordinance subsequently replaced by the above Act continues in force.

The view taken by the Collector of Sholapur at 'A' on page 38 is not correct.

2. The power of the Provincial Government under section 4 of the Bombay Land Requisition Ordinance, 1947, consisted in specifying the area and authorizing an officer for the purpose of receiving an intimation of vacancies. The said power had been delegated to the Collectors of certain districts under Government Notification in the Health and Local Government Department No.5931/33-N, dated the 6th December 1947. Section 4 of the Ordinance had been made operative in the municipal limits of Sholapur City by the Collector of Sholapur's Notification No. 1-141, dated the 31st March 1948 issued in virtue of the above delegation. The said delegation notification has been kept alive under section 20 of the Act and will now be deemed to have been issued under section 6(1) of the Act. As the same power of specifying an area has been reproduced in section 6 of the Act, it is not necessary to issue a fresh notification in respect of the said area. Whatever other changes of law are contained in that section would automatically become operative in the Sholapur City municipal area and a landlord is legally bound to give an intimation in respect of vacancies in a newly erected or reconstructed premises to the Collector of Sholapur.

Id/- P.M.L. 1/7
Remembrancer of Legal Affairs.

U.R. to R.D.(Accommodation) No.7361, dated the 2nd July 1949.

LAN/5-6.
1 c.

Legal Department.

The Government of Bombay have by their order No.4384/46-I, dated the 25th July 1949 extended the Bombay Land Requisition Act, 1948 (XXXIII of 1948) to the Kolhapur State inclusive of Jahgirs within the limits of the said State with effect from 30th July 1948. Clause 4 of the States Merger (Governors' Provinces) Order, 1949, provides that all the laws in force in a merged State or in any part thereof immediately before the appointed day, including orders made under section 3 or 4 of the Extra Provincial Jurisdiction Act, 1947 (XLVII of 1947), shall continue in force until repealed, modified, or amended by a competent Legislature or other competent authority. The Bombay Land Requisition Act, 1948 (XXXIII of 1948) which has been extended to the Kolhapur State by Order in the P. & S.D. No.4384/46-I, dated 25th July 1949 is therefore in force in the merged State of Kolhapur and no further notification is now necessary as proposed by R.D. The draft notification at page 5 ante as amended is in order.

IB/- J.R.D. 24/8

Additional Secretary to Government.

U.R. to R.D. (Accommodation) No. 9606

Dated the 25th August 1949.

KAN/5-6.
4 c.

Legal Depart.....

By P. & S.D. Notification No.3323/46-F, dated the 4th March 1949, the Bombay Land Requisition Act, 1948, has been applied to the Deccan States, the Gujarat States and the Janjira State and has been brought into force with effect from the 4th March 194. It is not, therefore, necessary to issue a notification under sub-section (2) of section 2 of the Bombay Land Requisition Act, extending the provisions of the Act to the Deccan States, Gujarat States and the Janjira State. It would appear from the said notification that the Act has been extended to all the areas in the said States including the areas specified in the P. & S.D. Notification No.2325/46-F(1), dated the 30th July 1948.

2. As regards the delegation of power under section 15 of the Act, the intention of Government appears to be to delegate to the Collectors powers under the Act in those areas only which have been specified in column 3 of P. & S.D. Notification No.2325/46-F(1), dated the 30th July 1948. If so, the accompanying draft notification would serve the purpose.

3. R.D.(Accommodation) should, however, consider whether in the areas which formerly formed part of the Deccan and Gujarat States and the Janjira State, other than the areas specified in the P.&S.D.Notification No.2325/46-F(1), dated the 30th July 1948, the power under the Act should be exercised by the Provincial Government or the Collectors of the respective Districts.

Id/- A.R.D. 9/9

Additional Secretary to Government.

KAN/5-6.
1 c.

U.R. to R.D.(Accomm.), No.10304 dated the 12th September 1949.

Office of the R.L.A.

It is true that there is no prayer in the plaint asking for a declaration that the letter at p.17 is no valid order made under section 6(4)(b) of the Bombay Land Requisition Act, 1948. The plaintiffs, however, contend that the said letter was not an order by the Controller of Accommodation but was only a request by him to the plaintiffs to accept the defendant as a direct tenant. The defendant will most certainly take his stand upon the letter in justification of his claim. The issue will, therefore, be joined whether the letter is a valid order under the Act. It may be that Government is not a party to the proceedings at this stage. But Government may conceivably be made a party when the issue is joined, and then it would be difficult to regaularize the position. In any case, if the issue is decided against the defendant, it would be difficult later on to make amends by substituting another order; for, the Court will naturally feel that its decree is being flouted. On the other hand, action can be taken at this stage with some grace to regularise the position. Government can maintain that it was the their original intention to direct the landlord to accept the defendant as the tenant; but that intention was not carried out in strict conformity with the letter of the law.

2. I would, therefore, advise that we should issue a fresh order under section 6(4)(b). Attention is invited to the second proviso to sub-section (4) of section 6, and if the land lord resides in the building he should be heard.

3. As the suit is pending in the High Court, the papers may be shown to the Advocate Gen[eral] before passing the final order.

Id/- P.H.L.
Remembrancer of Legal Affairs.

KAN/5-6.
4 c.

U.R. to R.D.(Accomm.) No.10627 d/- 20.3.1948.

Legal Department.

A revised draft notification is sent herewith.

It is not necessary to refer, in the preamble to the H.& L.G.D. Notification No. O-561/3011-N, dated the 8th May 1948 as the powers under section 6(1) are not delegated to the Collectors under that notification.

Id/r J.R.D. 22/9

Additional Secretary to Government.

U.R. to R.D.(Accommodation) No. 10759 dated the 26th September 1949.

KAN/5-6.
4 c.

Legal Department.

Question 1 of R.D.(Accommodation) note at p.47 -

By G.N.R.D. order No. Misc./12212/P, dated the 18th July 1949 issued under sec. 4 of the Extra-Provincial Jurisdiction Act 1947, the Bombay Land Requisition Act 1948, has been extended to the Baroda State. The said order was issued on the 18th July 1949 on which date the Baroda State existed as a State but it stood integrated with the Bombay Province. The order is perfectly valid. The view taken by the Collector of Baroda is not correct.

2. As the existing Mehsana and Amareli Districts formed part of the territory of the former Baroda State the Act is already in force in those two districts and it is not necessary to extend the said Act again to the two districts as proposed by R.D.(Accommodation) at p.49 ante.

3. The Bombay Land Requisition Act 1948 has been extended to the States included in Sabar Kantha and Mahi Kantha districts by G.N.P.& S.D. No.3323/46-F, dated the 4th March 1949 and to Kolhapur State by P. and S.D. Notification No. 4384/46-I, dated 25th July 1949. South Satara District appears to have been constituted a separate district out of the areas of former Kolhapur State and it is not necessary to extend the said Act again to both the Saba Kantha and South Satara District as proposed by R.D.(Accommodation).

4. The draft notification at p.51 ante as amended is in order.

5. It appears from H. and L.G.D. Order No.1691/10276-N (a) dated the 8th November 1948, that the Collectors of Sabar Kantha and Mahi Kantha Districts have

already been ~~invested~~ invested with powers under the Act. The Revenue Department (Accommodation, should verify whether similar powers have been delegated to the Collectors of Kolhapur and South Satara (a portion of which formed par of the State).

6. It should be ascertained from the Collector of Baroda whether what he means by applying the Act to Baroda City is that Baroda City should be specified as an area under section 6 of the Act so that an intimation of vacancies shall be received by him or an officer authorised by him. This query is significant because there was a proposal to issue a notification under section 6 and the draft was supplied to Government by R.L.A. but it does not appear to have been issued as yet

d/- J.R.D. 10/10

Additional Secretary to Government.

U.R. to R.D.(Accommodation, No.11405 dated ~~the~~ 12th October 1949.

KAN/5-6.
4 c.

Legal Department.

The draft notification at page 57 ante, as ~~xigx~~ slightly amended, is in order.

2. The Home Department should see that the Civil Judge to be appointed as an arbitrator under the notification should be one who is qualified to be appointed as a High Court Judge as required by sec.19 of the Defence of India Act, 1939.

Id/- J.R.D. 27/10

Additional Secretary to Government.

U.R. to H.D., No.~~xxxxx~~ 11993, dated the 27th October 1939.

KAN/5-6.
4 c.

Legal Department.

The draft notification at page 25 ante as amended is in order.

2. It is presumed that the Collector of Baroda has been delegated the powers under section 6 of the Bombay Land Requisition Act, 1948. The number and date of such notification should be shown in the draft notification.

Id/- J.B.D. 29/10

Additional Secretary to Government.

U.R. to R.D.(Accomm.), No.12137, dated the 29th Oct. 1949

KAN/5-6.
4 c.

Legal Department.

A revised draft notification is sent herewith.

Id/- J.R.D. 15/11

Additional Secretary to Government.

U.R. to Secy: R.D. No.12993, dated the 16th November 1949.

KAN/5-6.
4 c.

By the Collector of Poona.

Notification under section 6(1) of the Bombay Land Requisiton Act, 1948.

No. .- In exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Land Requisition Act, 1948 (Bom.XXXIII of 1948) read with Government Notification in the Health and Local Government Department No.5931/33- M, dated 6th December 1947, the Collector of Poona is pleased

(1) to specify the area within the limits of the Poona Borough Municipality as the area; and

(2) to authorise the

for the purpose of the said sub-section (1).

Collector of Poona.

Place

Date.

KAN/5-6.
4 c.

Legal Department.

The view taken in paragraph 11 of the note accompanying the Collector of Belgaum's letter No. L.N.D. 1719, dated the 30th September 1949 at p.21 ante is not correct nor the practical suggestion made by him is legally feasible. As clearly explained in R.L.A's opinion No. 9283, dated 18th August 1949 the Provincial Government is not competent to make any law in regard to the requisitioning of the premises in a Cantonment Area as the Central Government alone is competent to make such a law. As the validity of the Bombay Land Requisition Act, 1948 in so far as it applies to premises in cantonment area is involved the administration of the Act in the manner suggested by the Collector would not remove its invalidity in the Cantonment Areas. For these reasons the question of notifying the Belgaum Cantonment Area under section 6 does not survive.

2. It is also proposed by the Collector in para. 14 of the aforesaid note to delete the words "And to authorize the Huzur Deputy Collector, Belgaum, for the purpose of the said sub-section (1)", the reasons for such deletion being those given in paragraph 10 of the aforesaid note. It appears that the Collector has not correctly followed the R.L.A's opinion No.1735, dated 14th February 1949. That opinion makes it clear that that the Provincial Government cannot delegate its power under the Act to a District Deputy Collector as under section 16 such powers are only to be delegated to the officer of and above the rank of a Collector; nor can a Collector who is delegated such powers can himself redelegate them to any other officer below him. It has further been made clear in the Additional Secretary, Legal Department's opinion No.4520, dated 26th April 1949 that section 6 of the Act itself provides that the

Legal Department.

A revised draft notification is sent herewith.

2. The court fees chargeable under section 8(3) may be such as are chargeable under section 6 of the Court Fees Act, 1870. The appeal under section 9(2) (b) would relate to the amount of compensation for deterioration of land released from requisition. The fees in such case may be a fixed amount say, rupees five.

Sd/- J.R.D. 13/12

Additional Secretary to Government.

U.R. to R.D.No. 14511 dated the 14th December 1949.

KAN/5-6.
4 c.

Revenue Department.

Bombay Castle, 1949.

Bombay Land Requisition Act, 1948.

No. Misc. In exercise of the powers conferred by section 19 of the Bombay Land Requisition Act, 1948 (Bom.XXXIII of 1948), the Government of Bombay is pleased to amend the Bombay Land Requisition (Determination of Compensation) Rules, 1949 as follows, namely :-

In the said Rules, after rule 6, the following shall be inserted, namely :-

" 7(1) The amount of court fee payable on a memorandum of appeal under sub-section (3) of section 8 of the Act shall be at the rate of 5 percentum on the amount computed according to the difference between the amount awarded and the amount claimed by the appellant.

(2) The memorandum of appeal under clause (b) of sub-section (2) of section 9 shall bear a court fee of rupees five."

By order of the Governor of Bombay

Secretary to Government.

KAN/5-6.
4 .c.